



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Discussion And Possible Action To Censure Mayor Susan Hitchcock

MEETING DATE: August 6, 2003

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council discuss and take appropriate action regarding the potential censure of Mayor Susan Hitchcock.

BACKGROUND INFORMATION: This item appears on the agenda as requested by Council Member Land at the meeting of July 2, 2003.

Should the City Council, by a majority vote, choose to censure the Mayor, it will be necessary to do so by the adoption of a resolution.

FUNDING: None required.

Susan J. Blackston
City Clerk

SJB/jmp

APPROVED:

H. Dixon Flynn -- City Manager

Jennifer Perrin

From: Roger and Lusandra Vincent [vincents@inreach.com]
Sent: Saturday, August 02, 2003 1:49 PM
To: City Council
Subject: support for Susan Hitchcock

Dear City Council Members,

We are pleased to have a city council representative who, we believe, supports the public's right to be aware of actions by our elected officials. We place a high trust in our representatives to act justly and responsibly and we value Susan's commitment to ask difficult questions and request information in order to make fair decisions.

We pray for wisdom for you all as you struggle with issues that affect all of Lodi's citizens.

Sincerely,
Lusandra and Roger Vincent

Jennifer Perrin

From: Jerry's mail [jkirsten@softcom.net]
Sent: Saturday, August 02, 2003 10:12 PM
To: City Council
Cc: syhjilg@pacbell.net
Subject: City Council Meeting of August 6, 2003

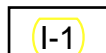
Keith Land:

I have been very disappointed in your service as a Lodi City Councilman. It was particularly bothersome to me when you reversed your support of the proposed Lodi Pro Sports Complex, but I was not surprised when a review of your campaign finance report revealed that shortly before your negative vote on extending the lease of the organizers of the effort to build the complex you received several thousand dollars of cash contributions from agriculturists who were not even residents of Lodi.

Your part in creating the strategy for resolving the groundwater contamination clean-up has been an injustice to the people of Lodi and has resulted in a terrible burden facing us.

Your desire to stick your head in the sand and to criticize Mayor Hitchcock for wanting to stay well-informed is especially distressing to me. It is suggested that you back off your efforts to censure and/or remove the Mayor from her office and start looking for more constructive ways to serve the people of Lodi.

Jerald Kirsten

**Jennifer Perrin**

From: Bob and Joy Holm [bobnjoy@lodinet.com]

Sent: Monday, August 04, 2003 9:53 AM

To: City Council

Subject: Support for Susan Hitchcock

Lodi City Council Members

John Beckman

Larry Hansen

Susan Hitchcock

Emily Howard

Keith Land

We are concerned with the possibility that Keith Land will call for the censure and removal of Susan Hitchcock as Mayor at the next council meeting.. There are many of us who have concerns regarding the litigation strategy the City of Lodi is following in the groundwater contamination clean-up. It seems the primary strategy is to spend more money on attorney's fees without regard for the financial problems this is causing our City. It seems it has become a permanent law suite with a serious doubt to whether the outcome will ever be in the City's favor. Maybe it is time to seek other options or at least other views before the city is bankrupt.

Our support is for Susan Hitchcock not Keith Land or any others that support the censure and removal of Susan Hitchcock as mayor.

Mr. & Mrs. Robert Holm

Jennifer Perrin

From: Ron Dancer [ron_dancer@hotmail.com]
Sent: Monday, August 04, 2003 12:38 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Cc: martw@lodinews.com
Subject: Litigation

Dear Council Members:

As a member of the local insurance community, I've followed with interest the current fray between the City Council with regard to the pollution litigation.

Some observations:

The allegations made by Keith Land that Major Hitchcock has in some way compromised the City's litigation are preposterous! When discussing the mediation hearings, it is equally naive to say that "if the CEO's of the insurance carriers didn't attend why should council members?" Here's an idea Keith - maybe so you'll understand how much this litigation strategy has cost the City (\$20,000,000) and how little we have to show for it (\$300,000). Mr. Hays, would you please explain again how the settlement of \$1,000,000 from Holz Rubber's insurance carrier ended up being so low. The split according to the LNS was \$500,000 State of California; \$200,000 Donovan's law firm with the balance, \$300,000 to the City. Does that mean that Donovan receives 20% of any settlement the City receives? This would be on top of his \$65,000 per month fee, plus expenses, plus his billing at \$475 per hour?

The statements by City Attorney Hays that the litigation efforts are hampered by public discussion are equally self serving. Mr. Hays along with Mike Donovan hatched this litigation plan and with it's embarrassing results, it is no wonder Hays doesn't want it openly discussed. With the vast majority of the \$20,000,000 going to Donovan, one can readily understand why he doesn't want it discussed!

Let's have Mr. Hays explain again how the loan from Lehman Bros. is risk free. Explain what happens if the City decides it wants to quit the battle. Explain the "Cash Only" provision. Why is this loan so slanted in favor of Envision - it's almost like they wrote the contract themselves. Even if we win, Envision gets 20%; Lehman gets 26% on their \$15,000,000 and who knows what else is involved. How much does the City have to be awarded to net enough to do what this is all about - CLEAN UP THE POLLUTION!

If the Council wants to investigate anything, how about Mr. Hays' involvement with Mr. Donovan in Libby, Montana. While securing a building permit for a cabin I'm building near Libby, it was mentioned that Mr. Hays had pitched the locals on behalf of Mr. Donovan's firm. It appears that Libby has an asbestos problem and Donovan's firm, Envision (with the help from Hays) has been retained to help fund the cleanup. Whether or not Hays did his pitch in person or by phone is not known, but it does raise some questions.

Does the Council know of this situation and what are the financial arrangements. What does Mr. Hays get paid for his efforts and how much of his City paid time is involved in his work for Donovan. Where do we go to find out if this is a conflict of interest? We can't very well ask Mr. Hays, he appears to be compromised. Maybe we need to hire the City Attorney from Elk Grove to get his opinion (what's another \$2,000 when we've already spent \$20,000,000).

Maybe Councilman Beckman's concern about City Manager Flynn is not out of line. I'd be curious in knowing what he knew about Hays' deal with Donovan and if he revealed it to Council. If not, why?

Mr. Land, rather than censure the only person trying to understand the mess created by Mr. Hays, why don't you pull your head out of the sand and join her efforts? Let me repeat the score for you:

Donovan \$20,000,000 City of Lodi \$300,000

At this rate, we need an additional \$333,333,333 in judgments to net the estimated \$100,000,000 in cleanup costs.

Looking at it from this angle, who's the Trojan Horse, Mayor Hitchcock, City Attorney Hays . . . or maybe even Keith Land?

Ron Dancer

603 Turner Road

334-0705

Jennifer Perrin

From: Jane Thurman [jthurman@softcom.net]

Sent: Monday, August 04, 2003 2:33 PM

To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen

Subject: Censure

We feel that someone needs to look into the millions of dollars being spent on the groundwater pollution case and we support Mayor Hitchcock's attempt to be involved in the litigation.

She has the best interests of the citizens of the City of Lodi at heart.

We hope you will support her and we want her to remain mayor.

Sincerely,
Al and Jane Thurman

8/4/2003

Jennifer Perrin

From: Bonnie Meyer [bonnie91@mac.com]
Sent: Tuesday, August 05, 2003 1:31 PM
To: Susan Blackston; Susan Hitchcock; Emily Howard; Keith Land; John Beckman; Larry Hansen
Subject: Brown Act and pending censure

I am not going to get into the merits of the pending censure, since I do not have all of the facts. But since I have always been an advocate of the intent of the Brown Act, that the public's business should be done in public when ever possible, I have to comment on two specific council actions I have heard discussed.

The brown act specifies that no discussion of an "elected official" can be done in closed session. See section 54957.

It also specifies that any action taken in closed session and the vote must be made public at the conclusion of the closed session. See section 54957.1 (a)

I have included two web sites regarding the Brown Act just in case you want more information.

League of California Cities web page on Brown Act:

<http://www.cacities.org/doc.asp?intParentID=518>

Copy of Brown Act:

http://caag.state.ca.us/publications/2003_Main_BrownAct.pdf

Thank you for the opportunity to communicate with you and thank you for changing last week's meeting to Wednesday evening.

Bonnie Meyer
1619 W. Elm Stret
bonnie91@mac.com
368-6002

Jennifer Perrin

From: CliffBradshaw [CliffBradshaw@comcast.net]

Sent: Tuesday, August 05, 2003 8:47 PM

To: City Council

Subject: Support of Susan Hitchcock

Dear City Council members,

I would like to take this opportunity to show my support for Susan Hitchcock and strongly disagree with a censure vote and removal as the Mayor of Lodi. I have know Susan for over twenty years, and know that she always does her homework and would not do anything to jeopardize our present position in the water clean-up lawsuit. Please work together to come up with a unified front, knowing that you all have Lodi's best interests in mind.

Sincerely,
Cliff Bradshaw